

## CITY COUNCIL AGENDA MEMORANDUM

### **SUBJECT**

Resolution No. 8758 setting July 21, 2014 as the date for a public hearing to consider the vacation of a portion of 167<sup>th</sup> Avenue SE between SE 34<sup>th</sup> and SE 35<sup>th</sup> Streets.

### **FISCAL IMPACT**

This action requires staff preparation and research time, which can be accommodated within the existing operating budget. The petitioner has paid the required pre-hearing fee of \$1,650 and will pay a post-hearing fee of \$1,100 if the property is to be vacated.

It has been determined that this right-of-way is Class I per Bellevue City Code 14.35.120 and that compensation is required at 100% of fair market value, in excess of filing fees (Bellevue City Code 14.35.130).

### **STAFF CONTACT**

Nora Johnson, Director, 452-4167  
Max Jacobs, Real Property Manager, 452-4182  
Patti Ebert, Sr. Real Property Agent, 452-5203  
*Civic Services Department*

David Berg, Director, 452-6468  
*Transportation Department*

### **POLICY CONSIDERATION**

#### City Code:

Section 14.35.070 of the Bellevue City Code requires that Council hold a public hearing to consider the vacation, to hear any person wanting to speak for or against the vacation, and to pass an ordinance accomplishing the vacation, if appropriate. Staff will gather information and prepare findings to assist the Council in the discussion of the vacation. Following the hearing, the Council shall determine:

- a. Whether a change of use or vacation of the described portion will better serve the public good; or
- b. Whether the street or portion thereof is no longer required for public use; or
- c. Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance;  
or
- d. Whether the substitution of a new and different thoroughfare would be more useful to the public; or
- e. Whether conditions may so change in the future as to provide a greater public use or need than presently exists; and
- f. Whether objections to the proposed vacation are made by owners of private property (exclusive of the petitioners) abutting the same.

Bellevue City Code 14.35.050 requires the public hearing be held, at a time not more than 60 days, nor less than 20 days, after the date of passage of a resolution establishing the hearing date.

## **BACKGROUND**

On January 17, 2014, the City received a sufficient street vacation petition signed by property owners of two-thirds of the land abutting a portion of 167<sup>th</sup> Avenue SE. The sufficiency of the petition, as required by City Code, has been established. The area to be vacated is adjacent to property currently owned by the petitioner, John Brangwin, whose physical address is 16715 SE 34<sup>th</sup> Street. This right-of-way is located in a single-family neighborhood within an unplatted area in Southeast Bellevue.

This section of right-of-way is approximately 60 feet in width plus one half of a cul-de-sac circle. The petitioner owns a large lot adjacent to a portion of this roadway and the cul-de-sac circle. They have requested to vacate a portion of this cul-de-sac circle totaling 1,844 square feet. They are currently in the process of a short plat creating 9 new single family lots. The existence of the partial cul-de-sac on 167<sup>th</sup> Avenue SE impacts two to three of their potential lots.

Six City departments reviewed and commented on the current vacation request. The Fire Department has concern with the removal of the cul-de-sac and the impact it could create on emergency vehicles. Staff are currently working with the Fire Department, Transportation Development Review and the petitioner on this item. All other departments reported no impact and recommend approving the street vacation.

## **EFFECTIVE DATE**

If approved, this Resolution becomes effective immediately upon Council adoption.

## **OPTIONS**

1. Adopt Resolution No. 8758 setting July 21, 2014 as the date for a public hearing to consider the vacation of a portion of 167<sup>th</sup> Avenue SE.
2. Do not adopt Resolution No. 8758 and provide alternative direction to staff.

## **RECOMMENDATION**

Adopt Resolution No. 8758 setting July 21, 2014 as the date for a public hearing to consider the vacation of a portion of 167<sup>th</sup> Avenue SE.

## **MOTION**

Move to adopt Resolution No. 8758 setting July 21, 2014 as the date for a public hearing to consider the vacation of a portion of 167<sup>th</sup> Avenue SE.

## **ATTACHMENTS**

Site Location Map

Proposed Resolution No. 8758

## **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

Copy of Petition to Vacate Streets

Copy of Proposed Short Plat



CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8758

A RESOLUTION initiating vacation of a portion of 167th Avenue SE between SE 34<sup>th</sup> Street and SE 35<sup>th</sup> Street; and setting a time and place for a hearing to consider such a vacation.

WHEREAS, the City Council received a petition to initiate the vacation of a portion of City right-of-way, as set forth in Section 1 below, and desires to set a time and place for a hearing before the City Council to consider such vacation; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee hereby initiates the vacation, pursuant to section 14.35 of the Bellevue City Code, of the following City right-of-way:

A portion of 167<sup>th</sup> Avenue SE between SE 34<sup>th</sup> Street and SE 35<sup>th</sup> Street, as more particularly described in Exhibit A.

Section 2. A public hearing shall be held upon the proposal to vacate the City right-of-way set forth in Section 1, on July 21, 2014, at the hour of 8:00 pm or as soon thereafter as the matter may be heard by the City Council, in the Council Chambers at Bellevue City Hall, 450 110<sup>th</sup> Ave NE, Bellevue, Washington.

Section 3. Notice of such hearing shall be provided and posted in the manner required by section 14.35 of Bellevue City code inviting interested persons to appear and be heard for or against the proposed vacation.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

\_\_\_\_\_  
Claudia Balducci, Mayor

Attest:

\_\_\_\_\_  
Myrna L. Basich, City Clerk